

Docket No.: 2360-0406P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ueli BREITSCHMID

Application No.: 10/810,901

Confirmation No.: 1090

Filed: March 29, 2004

Art Unit: 3723

For: INTERDENTAL BRUSH

Examiner: R. E. Chin

REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief, dated October 15, 2008 ("Notification").

The Appeal Brief fee was previously paid on May 28, 2008.

The present submission is being timely filed within thirty (30) days of the mailing date of the Notice. Accordingly, no extension of time fees should be due.

The Notification indicates that there is no summary of claims 9, 14, and 16. Appellant notes that in the Amended Appeal Brief of August 8, 2008, the section "Summary of Claimed Subject Matter" states that claim 9 covers the same feature as claim 4, and that claims 14 and 16 cover the same feature as claim 6. Thus, Appellant submits that the Amended Appeal Brief does contain a summary of claims 9, 14, and 16.

The Notification further indicates that claim 2 has been listed in the "Summary of Claimed Subject Matter" but has not been argued in the Argument Section. Appellant notes that

a summary of claim 2 has been provided for purposes of completeness, because claim 2 is an intermediate claim for claims 9 and 14. In other words, because arguments were provided for claims 9 and 14, Appellant believes that it is appropriate to include a summary for intermediate claim 2.

Appellant believes that for the above reasons, the Amended Appeal Brief of August 8, 2008 is suitable for forwarding to the Board of Patent Appeals and Interferences.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 28, 2008

Respectfully submitted,

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